

CHAPTER 35

ALCOHOL CONSUMPTION AND INTOXICATION

35.01.123	Persons Under the Age of Eighteen	35.03.123	Public Consumption or Intoxication
35.02.123	Persons Age Eighteen, Nineteen and Twenty	35.04.123	(Repealed by Ordinance No. 447)

35.01.123 PERSONS UNDER THE AGE OF EIGHTEEN. A person shall not sell, give, or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that person to be under the age of eighteen (18), and a person or persons under the age of eighteen shall not purchase or attempt to purchase or individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under the age of eighteen within a private home and with the knowledge, presence and consent of the parent or guardian for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under the age of eighteen may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47)

35.02.123 PERSONS AGE EIGHTEEN, NINETEEN AND TWENTY. A person shall not sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that the person is age eighteen (18), nineteen (19) or twenty (20). A person age eighteen, nineteen or twenty shall not purchase or possess alcoholic liquor, wine or beer. However, a person age eighteen, nineteen or twenty may possess alcoholic liquor, wine or beer given to the person within a private home with the knowledge, presence and consent of the person's parent or guardian, or with the signed, written consent of the parent or guardian specifying the date and place for the consumption and displayed by the person upon demand, and a person age eighteen, nineteen or twenty may handle alcoholic liquor, wine and beer during the course of the person's employment by a liquor control licensee or wine or beer permittee.

(Code of Iowa, Sec. 123.47A)

35.03.123 PUBLIC CONSUMPTION OR INTOXICATION.

1. As used in this section unless the context otherwise requires:
 - A. "Arrest" means the same as defined in Section 804.5 of the Code of Iowa and includes taking into custody pursuant to Section 232.19 of the Code of Iowa.
 - B. "Chemical test" means a test of a person's blood, breath, or urine to determine the percentage of alcohol present by a qualified

person using devices and methods approved by the Commissioner of Public Safety.

C. “Peace Officer” means the same as defined in Section 801.4 of the Code of Iowa.

D. “School” means a public or private school or that portion of a public or private school which provides teaching for any grade from kindergarten through grade twelve.

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.

3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

35.04.123 OPEN CONTAINER ON STREETS AND HIGHWAYS. (REPEALED BY
ORDINANCE NO. 447)

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